

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MT. DIABLO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014070273

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND HEARING

On August 11, 2014, the parties filed a joint request to continue the initially set dates in this matter.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted in part. All dates are vacated. While OAH can accommodate the parties' requested mediation date, it cannot do so as to the requested PHC and hearing dates due to calendar availability. The parties are advised to request sooner than later new PHC and hearing dates if they are not available on the dates set. This matter will be set as follows:

Mediation:

September 10, 2014, at 9:30 AM

Prehearing Conference: October 27, 2014, at 10:00 AM
Due Process Hearing: November 4, 2014, at 9:30 AM, November 5 and 6,
2014, at 9:00 AM, and continuing day to day,
Monday through Thursday, as needed at the
discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: August 11, 2014

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings